

REMARKS/ARGUMENTS

Upon entry of this amendment, claims 8 and 14 will be canceled without prejudice or disclaimer of the subject matter recited therein, and claims 1, 9, 11, 15 and 16 will be amended, whereby claims 1-5 and 7, 9-13, and 15-17 will remain pending. Claim 1 is the sole independent claim.

Claim 1 has been amended herein to substantially include the recitation of claim 14, which depended upon claim 8 which depended upon claim 1. Moreover, claims 8 and 14 have been canceled, and claims 9, 11, 15 and 16 have been amended to change their dependencies from canceled claims to directly or indirectly depend upon claim 1.

Entry of this amendment after final rejection is appropriate and proper because the amendment places subject matter from dependent claims into independent claim 1, and the Examiner has previously provided an action on the merits on these dependent claims. Accordingly, entry of this amendment should not require further search on the part of the Examiner.

Reconsideration and allowance of the application are respectfully requested.

Request For Withdrawal of Finality Of Office Action

The Office Action has been made final despite the fact that claim 6 was not rejected based upon anticipation in the previous Office Action, and is presently rejected based upon anticipation and obviousness in the present Final Office Action. In particular, claim 1 was amended to include the recitation of claim 6 thereby avoiding

the anticipation rejection of claim 1 while presenting arguments over the obviousness rejection of claim 6 based upon Reynolds, U.S. Patent No. 3,355,350.

In the instant Final Office Action, claim 1 is rejected as not only being obvious over Reynolds, but also as being anticipated by Reynolds despite the fact that claim 1 has been amended to substantially include subject matter of canceled claim 6. This alternative rejection wherein claim 1 is also rejected as being anticipated by Reynolds constitutes a new ground of rejection, and therefore raises a new issue that could have been raised by the Patent and Trademark Office in the first Office Action on the merits. Accordingly, the finality of this Office Action is premature, and should be withdrawn as Applicants should have the opportunity to address the new issue raised in this Office Action without the Office Action being a Final Office Action.

In fact, the Final Office Action admits that there are new ground(s) of rejection therein, but contends that the new ground(s) of rejection is necessitated by Applicants' amendment. However, the Final Office Action does not indicate how the new ground(s) of rejection is necessitated by Applicants' amendment.

Accordingly, withdrawal of the finality of the Office Action is respectfully requested.

Response To Rejections

The following rejection are set forth in the Office Action:

(a) 1, 8, 9, 11-17 are rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative under 35 U.S.C. 103(a) as obvious over Reynolds, U.S. Patent No. 3,355,350.

(b) Claims 2-5, 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds, U.S. Patent No. 3,355,350.

In response to these grounds of rejection, Applicants again point out that independent claim 1 has been amended to substantially include the recitation of claim 14. Therefore, independent claim 1 is directed to a press arrangement for dewatering a pulp web in a machine for at least one of production and finishing of a pulp web, comprising:

at least one press nip formed by a lower press roll and an upper press roll arranged approximately above and pressed against said lower press roll;

at least one dewatering belt adapted to run above the pulp web through said at least one press nip, and to receive water expressed from the pulp web;

a water receiving device positioned between said upper press roll and said at least one dewatering belt, said water receiving device comprising at least one suction channel projecting into a wedge-shaped area between said upper press roll and said at least one dewatering belt and extending along said at least one press nip to be

transverse to the pulp web, and a connection to connect said at least one suction channel to a source of reduced pressure;

a collecting tank connected to said at least one suction channel that receives and transports away water aspirated into said at least one suction channel;

said at least one suction channel comprising an upper channel wall and a lower channel wall extending along the at least one press nip to run transverse to the pulp web, said upper channel wall and said lower channel wall extending at an acute angle to said at least one dewatering belt at least in an initial zone of the suction channel, and

said upper channel wall is part of a water capture device for water thrown off from said upper press roll above said at least one suction channel.

Applicants respectfully submit that Reynolds does not disclose a combination of features as recited in Applicants' claims that includes said at least one suction channel comprising an upper channel wall and a lower channel wall extending along the at least one press nip to run transverse to the pulp web, the upper channel wall and the lower channel wall extending at an acute angle to the at least one dewatering belt at least in an initial zone of the suction channel, and the upper channel wall is part of a water capture device for water thrown off from the upper press roll above the at least one suction channel.

If this ground of rejection is maintained, the Examiner is respectfully requested to indicate where Reynolds discloses this combination of features. For example, the

rejection makes assertions of anticipation such as that a save-all is a collecting tank. However, the rejection does not indicate where each and every feature recited in Applicants' claims are within the disclosure of Reynolds. Thus, the Examiner is respectfully requested to explicitly point out where, amongst other features, Reynolds discloses a collecting tank connected to said at least one suction channel that receives and transports away water aspirated into said at least one suction channel; said at least one suction channel comprising an upper channel wall and a lower channel wall extending along the at least one press nip to run transverse to the pulp web, said upper channel wall and said lower channel wall extending at an acute angle to said at least one dewatering belt at least in an initial zone of the suction channel, and said upper channel wall is part of a water capture device for water thrown off from said upper press roll above said at least one suction channel.

For example, the rejection contends that the figures in Reynolds show that the bottom strip 30 is inclined at least 10° with respect to the dewatering belt. However, it is not seen that this alleged inclination is present in Reynolds.

Thus, once again Applicants respectfully request that each and every feature recited in Applicants' claims be specially referenced in Reynolds to support an anticipation rejection.

Regarding the obviousness rejections based upon Reynolds, Applicants note that the rejection makes assertions of obviousness without supporting documentary evidence. For example, the rejections contend that it at least would have been obvious

to one of ordinary skill in the art to collect water in a collecting tank to re-use it in the process, i.e., as dilution water, etc.

Applicants respectfully submit that an obviousness rejection cannot be supported by mere allegations that it would have been obvious to arrive at Applicants' invention. The Examiner is reminded that a rejection must be based upon documentary evidence, and not merely official notice. In this regard, the Examiner's attention is directed to MPEP 2144.03 wherein it is noted that, "If the applicant traverses such an assertion the examiner should cite a reference in support of his or her position". In the instant situation, Applicants respectfully submit that the rejection is improper as not utilizing documentary evidence to support the position taken in the rejection. The rejection merely makes an assertion of obviousness, but does not support this assertion by documentary evidence. There is not the slightest documentary evidence to arrive at Applicants' disclosed and claimed invention.

Thus, in the event that the rejections are maintained, Applicants request that the rejections be modified to include documentary evidence supporting the position taken in the rejections.

Moreover, attention is directed to In re Ahlert and Kruger, 424 F.2d 1088, 165 USPQ 418, 420-421 (CCPA 1970), which is cited in MPEP 2144.03. In Ahlert, at 165 USPQ 421, it is stated that:

Typically, it is found necessary to take notice of facts which may be used to supplement or clarify the teaching of a reference disclosure, perhaps to justify or explain a particular inference to be drawn from the reference

teaching. The facts so noticed serve to Afill in the gaps≡ which might exist in the evidentiary showing made by the examiner to support a particular ground of rejection. We know of no case in which facts judicially noticed comprised the principal evidence upon which a rejection was based or were of such importance as to constitute a new ground of rejection when combined with the other evidence previously used.

In the instant case, the rejection improperly utilizes an assertion, which can at best be characterized to be considered Official Notice, not to “fill in the gaps”, but to provide a complete reasoning behind modification of the primary reference.

Accordingly, Applicants submit that it is improper to make such naked assertion in the instant case, and a reference must be utilized in the rejection that not only discloses Applicants’ recited concept, but also provides motivation for modifying Reynolds to include Applicants’ recited features. This would afford Applicants an opportunity to address issues of lack of motivation for combining separate disclosures as well as an opportunity to argue against any asserted combination.

Applicants also once again point out that the obviousness rejection admits that Reynolds is silent with respect to the specifics of the claims under rejection, but contends that one of ordinary skill in the art would recognize that this is a matter of optimization of a result effective variables and it has been held that discovery of an optimum value of a result effective variable in a known process is ordinarily within the skill of the art.

In contrast to the assertions in the rejection, Applicants respectfully once again submit that the obviousness rejection does not teach or suggest the combination of

features recited in Applicants' claims. The Examiner is reminded that the rejection must establish where each and every feature recited in Applicants' claims is within the prior art, and must show motivation for modifying the primary reference to include such features. In the instant situation, the prior art is silent as to any indication where the prior art teaches or suggests the combination of features recited in Applicants' independent claim 1. Accordingly, for at least this reason, the obviousness rejection is without appropriate basis and should be withdrawn.

Moreover, the obviousness rejection does not establish that Applicants' recited parameters are art recognized parameters, and that one having ordinary skill in the art would perform experimentation to arrive at optimum values for these parameters.

Accordingly, for this additional reason, the obviousness rejection should be withdrawn.

In view of the above, if this ground of rejection is maintained, the Examiner is respectfully requested to denote structure in Reynolds that would include or arrive at structure recited in Applicants independent claim 1 and further defined in the dependent claims.

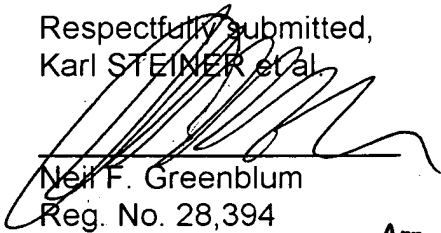
CONCLUSION

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections of record, and allow each of the pending claims.

Applicants therefore respectfully request that an early indication of allowance of the application be indicated by the mailing of the Notices of Allowance and Allowability.

Should the Examiner have any questions regarding this application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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